

Keep Your Transaction Moving: A Real Estate Professional's Guide to Removing Survey Contingencies Before They Become Closing Problems.

Real estate transactions move quickly—until they don't.

One of the most common reasons commercial real estate deals stall during due diligence is an unresolved survey contingency. Attorneys, buyers, lenders, and title companies all need confidence that the property's boundaries, access rights, easements, and improvements match what is being represented in the transaction.

The good news is that most survey-related delays are preventable.

By understanding the survey process and engaging the right professionals early, real estate professionals can help clients remove survey contingencies efficiently and keep transactions moving toward closing.

What Is a Survey Contingency?

A survey contingency allows a buyer to review survey-related issues before completing a purchase. The contingency is typically satisfied when the buyer and their advisors determine that no unacceptable property issues exist.

The survey review may reveal:

- Boundary discrepancies
- Encroachments
- Easement conflicts
- Access concerns
- Unrecorded improvements
- Title exceptions that affect property use
- Parcel legality questions

If significant issues are discovered, the buyer may request corrections, renegotiate terms, or in some cases terminate the transaction.

Why Survey Contingencies Cause Delays

Many professionals assume that obtaining a survey is the only requirement. In reality, the survey itself is often just the beginning.

Delays typically occur because:

The Survey Was Ordered Too Late

One of the most common mistakes is waiting until the due diligence period is already underway.

Commercial property surveys often require:

- Research of historical records
- Title review
- Field work
- Boundary analysis
- Coordination with title companies
- Review by attorneys and lenders

Starting late compresses the entire process and leaves little room for resolving issues.

Incomplete Title Information

Surveyors rely heavily on title commitments, legal descriptions, recorded easements, and other documents.

When information arrives late or incomplete, survey review slows down and questions multiply.

Unexpected Property Issues

Survey contingencies often uncover surprises such as:

- Buildings crossing property lines
- Fences in the wrong location
- Unrecorded access roads
- Utility easements affecting development plans
- Overlapping legal descriptions

These discoveries require additional review and often involve multiple parties before a solution can be reached.

Poor Communication

Perhaps the biggest cause of delay is simple lack of communication.

When attorneys, real estate agents, title officers, lenders, and surveyors are not communicating regularly, small issues can become major obstacles.

Five Steps to Remove a Survey Contingency Faster

1. Engage a Surveyor Early

The best time to contact a surveyor is before you urgently need one.

Even a brief consultation during the early stages of a transaction can identify potential timing concerns and help establish realistic expectations.

Early engagement provides more flexibility and reduces the likelihood of last-minute surprises.

2. Provide Complete Documentation Up Front

A surveyor's ability to work efficiently depends on receiving accurate information.

Provide:

- Title commitment
- Legal description
- Existing surveys
- Preliminary title reports
- Development plans (if applicable)

The more information available at the beginning, the faster potential issues can be identified.

3. Focus on the Issues That Matter

Not every issue discovered in a survey requires extensive negotiation to remedy.

Experienced professionals understand how to distinguish between:

- Minor issues, such as routine title matters, clerical errors in old documents, or small discrepancies in mapping.
- Material issues that affect value, financing, or intended use

Identifying and prioritizing significant concerns prevents unnecessary delays.

4. Review Findings Before the Deadline Approaches

Waiting until the final week of due diligence creates unnecessary pressure.

As survey findings become available, review them immediately with:

- The buyer
- Title company
- Lender
- Surveyor

Addressing concerns incrementally is far easier than solving everything at once.

5. Work With a Surveyor Who Communicates Clearly

Many professionals have experienced frustration with survey reports that seem overly technical or difficult to interpret.

The most valuable surveyors do more than provide data.

They help explain:

- What was found
- Why it matters
- What potential solutions may exist
- Which issues require immediate attention

Clear communication helps professionals make informed decisions and maintain confidence throughout the transaction.

Common Survey Issues That Can Threaten Closing

Certain findings frequently trigger additional review:

Encroachments

Structures, fences, or improvements crossing property lines may create legal and financial concerns.

Access Problems

A property without documented legal access can present significant risk to buyers and lenders.

Easement Conflicts

Utility, drainage, or access easements may interfere with planned property use.

Boundary Disputes

Discrepancies between occupation lines and legal descriptions often require further investigation.

Parcel Legality Questions

In some jurisdictions, determining whether a parcel was legally created can become a critical due diligence item.

Identifying these issues early creates more opportunities for resolution before closing deadlines become critical.

The Role of the Surveyor in Removing Contingencies

A surveyor cannot make legal decisions for the transaction team.

However, a qualified surveyor can provide the information needed for attorneys, title officers, lenders, and buyers to make informed decisions.

The most successful transactions occur when surveyors are treated as part of the due diligence team rather than simply a vendor providing a map.

Final Thoughts

Survey contingencies rarely delay transactions because of the survey itself.

More often, delays occur because issues are discovered late, communication breaks down, or expectations are unclear.

By engaging a surveyor early, providing complete information, and maintaining open communication throughout the process, professionals can significantly reduce risk and help clients move confidently toward closing.

A well-executed survey process doesn't just remove contingencies—it creates certainty, protects clients, and helps keep transactions on schedule.